

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

JAZELL CHISOLM)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.: 2:23-cv-01068-DCN
)	
)	COMPLAINT
)	(JURY TRIAL DEMANDED)
UNITED STATES OF AMERICA)	
)	
)	
)	
Defendants.)	
)	
)	

TO THE DEFENDANT ABOVE-NAMED –

The Plaintiff, by and through their counsel undersigned, would respectfully allege, and prove unto this Honorable Court as follows:

PARTIES

1. The Plaintiff is a citizen of the State of South Carolina.
2. The United States Postal Service is an agency of the United States responsible for the delivery of mail throughout the United States, including South Carolina.
3. This court has jurisdiction over the subject of this matter as the claims and causes of action arise under the Federal Tort Claims Act Pursuant to 28 U.S.C. Sec. 2674. Jurisdiction is therefore appropriate pursuant to 28 U.S.C. Sec. 1331.

VENUE

4. Venue is appropriate in the United States District Court of South Carolina, Charleston Division because a substantial part of event or omission giving rise to the claim occurred in the County of Charleston.

FACTUAL ALLEGATIONS

5. The Plaintiff reiterate and reallege paragraphs 1 through 4 as though set forth herein verbatim and further alleges:

6. On or about July 21, 2021, the Plaintiff, Jazell Chisolm, was belted and operating a 2012 Dodge in accordance with all governing laws while traveling stopped in traffic on Bowman Road in Mount Pleasant, South Carolina.

7. Timothy Anson was employed by the United States Postal Service, an agency of the United States of America was driving a postal delivery vehicle owned by the United States Postal Service.

8. At the time of the occurrence of the events giving rise to this complaint, Timothy Anson engaged in the course and scope of his duties to his employer, the United States Postal Service, and in that capacity was traveling on Bowman Road in Mount Pleasant, South Carolina when he failed to stop for traffic and rear-ended Plaintiff's vehicle with significant force causing Plaintiff a severe impact.

9. Law enforcement was notified and arrived on scene, and the responding officer noted that the Defendant's commercial driver was at fault.

10. That the collision resulted in the Plaintiff sustaining significant losses and physical injury.

FOR A FIRST CAUSE OF ACTION

(Negligence, Gross Negligence, Reckless or Wanton Injury as to Defendant United States of America)

11. The Plaintiff re-alleges the foregoing allegations as if fully restated verbatim.

12. That Defendant's driver was negligent, willful, wanton, careless and grossly negligent at the time and place above-mentioned in one or more of the following particulars:

- a) In failing and omitting to pay proper attention while operating a motor vehicle under the circumstances then and there prevailing;
- b) In failing and neglecting to keep his vehicle under proper control or so to control his vehicle as to avoid a collision;
- c) In driving and operating said vehicle upon a public highway in the State of South Carolina without exercising the degree of care, caution and prudence in the operation of said vehicle that a person of ordinary care, caution or prudence would have exercised under the same or similar circumstances;
- d) In failing to properly equip the said motor vehicle with adequate and safe brakes; and, if so properly equipped, in failing to properly utilize them;
- e) In failing to take any evasive action, by any means, to keep from striking the Plaintiff;

13. The foregoing acts and omissions by the Defendant were the direct and proximate cause of Plaintiff's bodily injuries, which resulted in substantial cost and continuing costs for the care, treatment, and therapy thereof.

14. The aforesaid acts and omissions of the Defendant are in violation of the statutes and laws of the State of South Carolina.

FOR A SECOND CAUSE OF ACTION

(Respondeat Superior as to Defendant United States of America)

15. That Plaintiff realleges the foregoing paragraphs as if fully restated verbatim.

16. The foregoing acts and omissions by an employee of the United States Postal Service, which is an agency of the Defendant, Timothy Anson, occurred during the course and scope of their employment and while acting as the agent thereof.

17. Therefore, the Defendant is liable to Plaintiff for all damages occasioned by the conduct of their employee under the doctrine of *respondeat superior*.

WHEREFORE, the Plaintiff is informed and believes that she is entitled to judgement for:

- a) Actual damages sustained by the Plaintiff;
- b) General damages for the harm inflicted by the Defendant's commercial driver;
- c) Punitive Damages;
- d) The costs of this action; and
- e) Such other and further relief as this Honorable Court may deem just and proper.

[SIGNATURE BLOCK TO FOLLOW]

LAW OFFICE OF SEAN M. WILSON, LLC

s/ Sean M. Wilson

Sean M. Wilson | sean@seanwilsonlaw.com
South Carolina Bar No.: 101430
Benjamin Pogue | ben@seanwilsonlaw.com
South Carolina Bar No.: 78345
Catherine Etchells | catherine@seanwilsonlaw.com
South Carolina Bar No.: 105280
219 Calhoun St, Charleston, South Carolina, 29401
(843) 242-7622 (phone)
(800) 987-2501 (fax)
Attorneys for Plaintiff

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Charleston, South Carolina